



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
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**MINUTES
MAY 31, 2011**

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The special meeting was called to order by Chairman Arnold Finaldi Jr. at 7:30 PM

Present were Edward Manuel, Arnold Finaldi Jr. and Alternates Fil Cerminara and Helen Hoffstaetter. Also present was Associate Planner Jennifer Emminger.

Absent were Kenneth Keller and Joel Urice.

Chairman Finaldi asked Mr. Cerminara to take Mr. Keller's place and Ms. Hoffstaetter to take Mr. Urice's place for the items on tonight's agenda.

Chairman Finaldi then announced that there would be no discussion or action taken this evening on the application of Coffey Environmental Solutions for a special exception to allow a sewage treatment facility at 48 Beaver Brook Rd. He said this is at the request of the applicant's attorney.

Chairman Finaldi said this special meeting is being held in lieu of the regular meeting originally scheduled for June 1, 2011. That meeting was cancelled due to quorum issues and this meeting is taking the place of it.

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PUBLIC HEARING:

7:30 PM – Plumtrees Plaza LLC – Application for Special Exception for use (Grocery Store) which (combined with other uses on the site) will generate over 500 vehicle trips per day – 59 & 63 Newtown Rd. (#L12018, #L12021 & portion of #L12014) – SE #714.

Chairman Finaldi read the legal notice. Attorney Paul Jaber spoke in favor of this application. He described the location of this strip center saying it is approximately five acres. It is on the corner of Newtown and Plumtrees Rds. Some of the stores it contains are Savings Bank of Danbury, Boston Market, Denny's, CT Martial Arts, and a few others. This proposal is to build an 18,000 sq.ft. supermarket. It will be an Aldy's ,which is similar to Trader Joes', the two chains are owned by brothers.

Benjamin Doto, PE then explained they are here because of trip generation. This use when added to the others on the site will generate more than 500 trips per day. He said this shopping center was originally approved as a special exception but not for trip generation. He said the plaza footprint will remain the same except for a 1,500 sq.ft. addition in the

rear of the plaza for a loading dock and warehouse to be used by Aldy's. He said the property owners were granted an easement from the City in the rear to facilitate the truck turning. The City has requested they install sidewalks along Newtown Rd. but the applicants want to offer to do this within three years because the changes that the State is proposing in this area. They are proposing to widen the road by the intersection with Old Newtown Rd. He added that this project will have to be approved by the State Traffic Commission (STC). Mr. Doto then said there would be no increase in the runoff in the rear of this property and they would be reducing the impervious coverage in the front of the parcel. He added that they had received two variances from the Zoning Board of Appeals. One was regarding the distance from the loading dock to the property line. The other was for the grading within 5 feet of the property line. They had previous variances to eliminate landscape islands based on there being a wider front strip. He said with this plan, they propose to add some islands; the amount of available parking is adequate for this use. The real issue is the sidewalks. They are requesting the sidewalks be delayed on the Newtown Rd. side pending the State widening. They will show them on the Plumtrees Rd. side. He said they will be adding street trees although the trees on Newtown Rd. will be delayed. The truck turning plan will be submitted. They will comply with Mrs. Emminger's request for the dumpster area to be screened. And an A-2 survey and the architectural rendering will also be submitted.

Bruce Hilson, Traffic Engineering Solutions, asked if they had all read his report dated May 5, 2011. He quickly reviewed Abdul Mohammed's report for the City. This use will add a maximum of 125-130 vehicle trips per day during the peak periods. He said the real change in operating in this area is that the left hand turns may impact the level of service (LOS). He said a lot of work is already being done by the Hawley's as part of Berkshire Shopping Ctr. which is located adjacent to this property with Plumtrees Rd. between them. That shopping center has frontage on Newtown Rd. and is undergoing major renovations. He added that with all of the existing driveways, he does not feel the addition of concrete aprons is warranted.

Chairman Finaldi asked if there was anyone to speak in opposition and there was no one.

Ms. Hoffstaetter made a motion to continue the public hearing. Mr. Manuel seconded the motion and it was passed unanimously.

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#### CONTINUATION OF PUBLIC HEARINGS:

Sugar Hollow Associates LLC – Application for Revised Site Plan in acc. w/Sec. 10.D.7. of the Zoning Regulations for SE #663 originally approved 10/1/08 for “The Shops at Marcus Dairy”, Backus Ave. & Sugar Hollow Rd. (#G17002 & #G17019).

Dainius Virbickas PE, Artel Engineering, said they had revised the plans based on the comments received from Planning and the Traffic Engineer's office. He noted that the letter from Roald Haestadt (the outside contractor who is reviewing the floodplain issues for the City) was received. Mr. Virbickas added that they had been waiting for their response. He said their engineer concurs that these revised plans are similar to the previous ones in that they will not cause the Kissen brook to rise over half an inch. Mrs. Emminger said the letter came in from Haestadt at the end of last week and it was reviewed with Haestadt today. Mr. Virbickas said the Environmental Impact Commission did not feel the changes were

substantial enough to hold another public hearing. He said they got an extension today as the outstanding issues are minor.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Chairman Finaldi asked for a resolution to close the hearing. Mrs. Emminger suggested that they could give her some guidance on just the site plan. She added that the floodplain permit will be handled separately. Ms. Hoffstaetter made a motion to close the public hearing. Mr. Manuel seconded the motion and it was passed unanimously. Ms. Hoffstaetter then made a motion to move this to Other Matters so they could give Mrs. Emminger some guidance. Mr. Manuel seconded the motion and it was passed unanimously.

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C & W Development LLC – Application for Special Exception for Sewage Treatment Facility (“Coffey Environmental Solutions”) in the IG-80 Zone – 46 Beaver Brook Rd. (#K12176) – SE #710.

Chairman Finaldi reiterated that this matter will be continued until the next regular meeting. Mr. Cerminara made a motion to table. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

SSR Development LLC – Application for Special Exception for Storage or Sale of Building Materials, Storage of Construction Equipment and Warehouse in the IL-40 Zone – 90 Shelter Rock Rd. (#K14233) – SE #708.

Ms. Hoffstaetter made a motion to table this matter. Mr. Manuel seconded the motion and it was passed unanimously.

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Mr. Manuel then made a motion to move the Sonic Floodplain application from For Reference Only to number 2 under the Old Business on tonight's agenda. The motion was seconded by Ms. Hoffstaetter and passed unanimously.

Sonic –Application for Floodplain Permit – 94-102 Newtown Rd. (#M11002), Revised Site Plan for SE #656.

Mrs. Emminger explained that the original Floodplain permit for this location was approved for Starbucks with a condition on that approval that stated any change to those plans would require the new applicant to come in for a revision to the Floodplain permit. She said that not much was changed from the previous approval. It is quite similar except that there is an increase in the first floor elevation. She added that if they decide to approve this revision, then they should add the condition about any change to what was approved would require them to come back before the Commission. Ms. Hoffstaetter made

a motion to approve this per the draft resolution prepared by Mrs. Emminger. Mr. Cerminara seconded the motion and it was passed unanimously.

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REFERRALS:

Chairman Finaldi announced that the petition listed below has been withdrawn.

8-3a Referral – Petition of Scott Benincasa & David Benincasa to Amend Secs. 2.B. & 5.B.2. of the Zoning Regulations. (Add “Indoor Shooting Range” to CA-80 Zone) Zoning Commission public hearing scheduled for June 14, 2011.

Mrs. Emminger explained that the applicant’s attorney and the Planning Director have met on this and decided to revise the language of the petition. By the time they got done with the revisions, they realized that the changes were substantial and it should be re-advertised. So the petition was withdrawn and will be re-submitted with the new language.

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OTHER MATTERS

Sugar Hollow Associates LLC – Application for Revised Site Plan in acc. w/Sec. 10.D.7. of the Zoning Regulations for SE #663 originally approved 10/1/08 for “The Shops at Marcus Dairy”, Backus Ave. & Sugar Hollow Rd. (#G17002 & #G17019).

Chairman Finaldi said they had moved this here in order to give Mrs. Emminger some guidance in preparing a resolution for the next meeting. He added that assuming the Engineering Dept. is in agreement with Haestadt, he has no problems with this revised plan. Mr. Cerminara said they want to be sure that other Depts. within the City are aware of the various issues. Mrs. Emminger pointed out that these other Depts. are sent copies of the resolution.

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There was nothing under Correspondence and under For Reference Only were four applications for Floodplain permits.

At 9:00 PM, Mr. Cerminara made a motion to adjourn. Mr. Manuel seconded the motion and it was passed unanimously.